



Attorney Docket No.: 02-104240US
Client Reference No.: 0165.005

DECLARATION

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **Single-Stranded Nucleic Acid Template-Mediated Recombination and Nucleic Acid Fragment Isolation** the specification of which _____ is attached hereto or x was filed on September 6, 2000, as Application No. 09/656,549, and was amended on _____ (if applicable).

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

Application No.	Filing Date
60/185,244	February 28, 2000
60/185,815	February 29, 2000
60/186,247	March 1, 2000
60/186,482	March 2, 2000

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Date of Filing	Status

DECLARATION

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **Single-Stranded Nucleic Acid Template-Mediated Recombination and Nucleic Acid Fragment Isolation** the specification of which _____ is attached hereto or was filed on September 6, 2000, as Application No. 09/656,549, and was amended on _____ (if applicable).

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

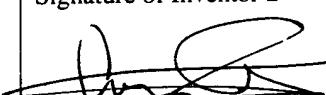
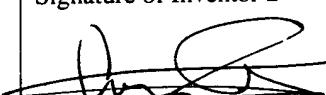
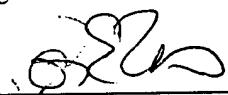
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Application No.	Date of Filing	Status

Full Name of Inventor 1:	Full Name: Joseph A. Affholter		
Residence & Citizenship:	City: Stateline	State/Foreign Country: Nevada	Country of Citizenship: United States
Post Office Address:	Post Office Address: 225 Clubhouse Circle, Lake Village, Stateline, Nevada 89449		
Full Name of Inventor 2:	Anthony Cox		
Residence & Citizenship:	City: Mountain View	State/Foreign Country: California	Country of Citizenship: United Kingdom
Post Office Address:	Post Office Address: 1730 Plaza Court, Mountain View, CA 94040		
Full Name of Inventor 3:	Full Name: Jon E. Ness		
Residence & Citizenship:	City: Sunnyvale	State/Foreign Country: California	Country of Citizenship: the United States
Post Office Address:	Post Office Address: 1220 N. Fairoaks Ave. #2115, Sunnyvale, CA 94089		
Full Name of Inventor 4:	Full Name: Brian Carr		
Residence & Citizenship:	City: Fremont	State/Foreign Country: California	Country of Citizenship: the United States
Post Office Address:	Post Office Address: 3628 Thrush Terrace, Fremont, CA 94555		

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1	Signature of Inventor 2	Signature of Inventor 3
 Joseph A. Affholter	 Anthony Cox	 Jon E. Ness
Date	11/28/00	11/28/00

Signature of Inventor 4
 Brian Carr
Date 11/28/00

Full Name of Inventor 1:	Full Name: Joseph A. Affholter		
Residence & Citizenship:	City: Stateline Zephyr Cove	State/Foreign Country: Nevada	Country of Citizenship: United States
Post Office Address:	Post Office Address: Zephyr Cove 225 Clubhouse Circle, Lake Village, Stateline, Nevada 89449		
Full Name of Inventor 2:	Anthony Cox		
Residence & Citizenship:	City: Mountain View	State/Foreign Country: California	Country of Citizenship: United Kingdom
Post Office Address:	Post Office Address: 1730 Plaza Court, Mountain View, CA 94040		
Full Name of Inventor 3:	Full Name: Jon E. Ness		
Residence & Citizenship:	City: Sunnyvale	State/Foreign Country: California	Country of Citizenship: the United States
Post Office Address:	Post Office Address: 1220 N. Fair Oaks Ave. #2115, Sunnyvale, CA 94089		
Full Name of Inventor 4:	Full Name: Brian Carr		
Residence & Citizenship:	City: Fremont	State/Foreign Country: California	Country of Citizenship: the United States
Post Office Address:	Post Office Address: 3628 Thrush Terrace, Fremont, CA 94555		

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Signature of Inventor 1  Joseph A. Affholter	Signature of Inventor 2 <hr/> Anthony Cox	Signature of Inventor 3 <hr/> Jon E. Ness
Date Nov. 29, 2000	Date	Date

Signature of Inventor 4 <hr/> Brian Carr
Date



0165.00*

(Modified) PTO/SB/81 (11-96)

Approved for use through 6/30/99. OMB 0651-0035

**POWER OF ATTORNEY OR
AUTHORIZATION OF AGENT, NOT
ACCOMPANYING APPLICATION**

Application Number	09/656549
Filing Date	September 6, 2000
First Named Inventor	Joseph A. Affholter
Group Art Unit	1645
Examiner Name	Unassigned
Attorney Docket Number	02-104240US

I hereby appoint:

 Practitioners at Customer Number**22798**

Type Customer Number Here

AND

 Practitioner(s) named below:

Name	Registration Number
Norman J. Kruse	35,235
Sharon Fujita	38,459
Joanne Petithory	42,995
Margaret A. Powers	39,804

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

 The above-mentioned Customer Number.

OR

Firm or Individual Name			
Address			
Address			
City	State	Zip	
Country			
Telephone	Fax		

I am the

 Applicant. Assignee of record of the entire interest (*Certificate under 37 CFR 3.73(b) is enclosed*)

SIGNATURE of Applicant or Assignee of Record

Name	<i>Michael S. Allison</i>
Signature	<i>Michael S. Allison</i>
Date	12/5/00

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States as first class mail in an envelope addressed to:
Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: December 14, 2000

Typed or printed name	<i>Alexandra Allison</i>
Signature	<i>Alexandra Allison</i>
Date	December 14, 2000



0165.C05

PTO/SB/96 (2-98)

Approved for use through 09/30/2000. OMB 0651-0031

STATEMENT UNDER 37 CFR 3.73(b)Applicant: Joseph A. Affholter, et al.Application No.: 09/656549 Filed: September 6, 2000Entitled: **Single-Stranded Nucleic acid Template-Mediated recombination and nucleic acid fragment isolation**Maxygen, Inc., a corporation

(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. the assignee of the entire right, title, and interest; or
2. an assignee of an undivided part interest

in the patent application identified above by virtue of either:

A. [X] An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel __, Frame __, or for which a copy thereof is attached.

OR

B. [] A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at Reel __, Frame __, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at Reel __, Frame __, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at Reel __, Frame __, or for which a copy thereof is attached.

[] Additional documents in the chain of title are listed on a supplemental sheet

[X] Copies of assignments or other documents in the chain of title are attached.

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

12/5/00
Date

Signature

Michael S. Rabson

Typed or printed name

General Counsel

Title

NOT FOR RECORDATION

ASSIGNMENT OF PATENT APPLICATION

JOINT

Zephyr's Case *§*
WHEREAS, Joseph A. Affholter, of 225 Clubhouse Circle, Lake Village, Stateline, Nevada 89449, Anthony Cox of 1730 Plaza Court, Mountain View, CA 94040, Jon E. Ness of 1220 N. Fair Oaks Ave. #2115, Sunnyvale, CA 94089, Brian Carr, 3628 Thrush Terrace, Fremont, CA 94555, hereinafter referred to as "Assignors," are the inventors of the invention described and set forth in the below-identified application for United States Letters Patent:

Title of Invention: Single-Stranded Nucleic Acid Template-Mediated Recombination And Nucleic Acid Fragment Isolation

Filing Date: September 6, 2000

Application No.: 09/656,549; and

WHEREAS, Maxygen, Inc., a Delaware corporation, located at 515 Galveston Drive Redwood City, CA 94063, hereinafter referred to as "ASSIGNEE," is desirous of acquiring an interest in the invention and application and in any U.S. Letters Patent and Registrations which may be granted on the same;

For good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have assigned, and by these presents do assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on any patent application claiming priority from the same in the United States and all countries throughout the world, and which claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignors had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignors further agree that they will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

ASSIGNMENT OF PATENT APPLICATION

JOINT

WHEREAS, Joseph A. Affholter, of 225 Clubhouse Circle, Lake Village, Stateline, Nevada 89449, Anthony Cox of 1730 Plaza Court, Mountain View, CA 94040, Jon E. Ness of 1220 N. Fair Oaks Ave. #2115, Sunnyvale, CA 94089, Brian Carr, 3628 Thrush Terrace, Fremont, CA 94555, hereinafter referred to as "Assignors," are the inventors of the invention described and set forth in the below-identified application for United States Letters Patent:

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Filing Date: September 6, 2000

Application No.: 09/656,549; and

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For good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have assigned, and by these presents do assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on any patent application claiming priority from the same in the United States and all countries throughout the world, and which claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignors had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignors further agree that they will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

Assignment 0165.005
Application No.: 09/656549
Page 2

IN TESTIMONY WHEREOF, Assignors have signed his/her name on the date indicated.

Dated: _____

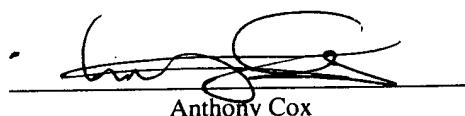
Joseph A. Affholter

SIGNATURE WITNESSED BY:

(1) Date: _____

Signature of Witness 1

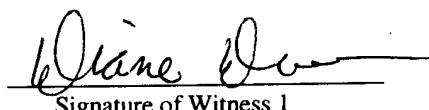
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Anthony Cox

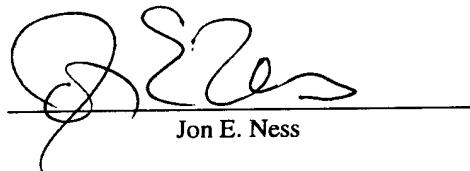
SIGNATURE WITNESSED BY:

(1) Date: 11/28/00



Signature of Witness 1

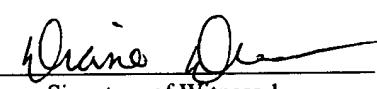
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Jon E. Ness

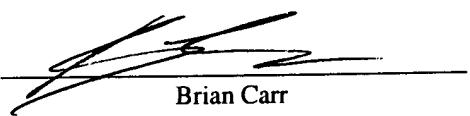
SIGNATURE WITNESSED BY:

(1) Date: 11/28/00



Signature of Witness 1

Dated: 11/28/00



Brian Carr

SIGNATURE WITNESSED BY:

(1) Date: 11/28/00

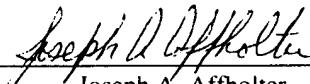


Signature of Witness 1

Assignment
Application No.: 09/656549
Page 2

IN TESTIMONY WHEREOF, Assignors have signed his/her name on the date indicated.

Dated: Nov. 30, 2000



Joseph A. Affholter

SIGNATURE WITNESSED BY:

(1) Date: 11-30-2000



Signature of Witness 1

Dated: _____

Anthony Cox

SIGNATURE WITNESSED BY:

(1) Date: _____

Signature of Witness 1

Dated: _____

Jon E. Ness

SIGNATURE WITNESSED BY:

(1) Date: _____

Signature of Witness 1

Dated: _____

Brian Carr

SIGNATURE WITNESSED BY:

(1) Date: _____

Signature of Witness 1